

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Final Office Action mailed on January 22, 2009 and the Advisory Action mailed March 25, 2009. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this paper, claims 1, 7, 14, and 67 have been amended and claim 6 has been canceled without prejudice. Support for the amendments is found in the specification, claims, and drawings as originally filed. No new matter has been added. Claims 1, 3, 4, 7-15, 17-54, and 61-67 are pending. Claims 23-54, 61, and 62 have been previously withdrawn. Claims 1, 3, 4, 7-15, 17-22, and 63-67 stand rejected. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C § 103

On page 2 of the Office Action, claims 1, 3-4, 12-15, 22, and 63-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989). Applicants respectfully traverse this rejection.

Independent claim 1, as amended, recites:

1. (Currently Amended) A guidewire, comprising:
 - a core member having a proximal end and a distal end, wherein the core member is generally solid in cross-section;
 - a metallic tubular member having a proximal end and a distal end and a lumen therebetween, the tubular member connected to the distal end of the core member, the distal end of the core member disposed in the lumen of the tubular member and the distal end of the tubular member extending distally beyond the distal end of the core member; [[and]]
 - a coil member connected to and disposed about the tubular member; and
an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member, tubular member and coil;
 - wherein the coil member includes a distal end and a proximal end, and wherein the distal end of the coil member extends distally beyond the distal end of the tubular member,
 - wherein the coil member has an outer diameter and wherein the tubular member has a maximum outer diameter that is less than the outer diameter of the coil member;
 - wherein the outer member is selected from either a polymer sheath or a coil; and
 - wherein the core member, tubular member, coil member, and outer member are coaxially aligned.

Christian does not appear to teach or suggest an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member, tubular member and coil. As can be seen in Figure 12, Christian does not appear to teach an outer member disposed around the core member, tubular member, and coil. Frisbie et al. do not appear to teach that which Christian lacks. Frisbie et al. do not appear to teach or suggest an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member, tubular member and inner coil as currently claimed.

Thus, even if one were to combine the teachings of Christian and Frisbie et al., one would not arrive at the invention as claimed. Furthermore, there appears to be no motivation, suggestion or other reason for one of ordinary skill in the art to modify Christian or Frisbie et al. to arrive at the device as claimed. Reconsideration and withdrawal of the rejection are respectfully requested. Applicants submit that claims 3, 4, 12, 13, 63, and 64 are also in condition for allowance as they depend from claim 1 and add significant limitations to further distinguish them from the prior art.

Turning now to independent claim 14, which recites:

14. (Currently Amended) A guidewire comprising:
a core member including a proximal portion having a proximal end and a distal portion having a distal end, wherein the core member is generally solid in cross-section; [[and]]

a distal assembly including a metallic tubular member having an inner surface adapted for connection to the distal portion of the core member, and an outer surface, and a coil member connected to the tubular member; and

an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member and distal assembly;

wherein the distal assembly is connected to the distal portion of the core member such that the core member, the distal assembly, and outer member are coaxially aligned and a portion of the distal assembly extends distally beyond the distal end of the core member;

wherein the coil member includes a distal end and a proximal end, and wherein the distal end of the coil member extends distally beyond a distal end of the tubular member,

wherein the coil member has an outer diameter and wherein the tubular member has a maximum outer diameter that is less than the outer diameter of the coil member.

As discussed above, neither Christian nor Frisbie et al. either alone or in combination appear to teach an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member and distal assembly. Thus, even if one were to combine the teachings of Christian and Frisbie et al., one would not arrive at the invention as claimed. Furthermore, there appears to be no motivation, suggestion or other reason for one of ordinary skill in the art to modify Christian or Frisbie et al. to arrive at the device as claimed. Reconsideration and withdrawal of the rejection are respectfully requested. Applicants submit that claims 15, 22, 65, and 66 are also in condition for allowance as they depend from claim 14 and add significant limitations to further distinguish them from the prior art.

Turning now to independent claim 67, which recites:

67. (Currently Amended) A guidewire, comprising:
a metallic core member having a proximal end and a distal end, wherein the core member is generally solid in cross-section;
a metallic tubular member having a proximal end and a distal end disposed ~~about~~ around and attached to the distal end of the core member; and
a metallic coil member disposed about and attached to the distal end of the tubular member and
an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member, tubular member and inner coil,
wherein the tubular member has a uniform inner diameter and a uniform outer diameter and wherein the distal end of the core member where the tubular member is attached has an outer diameter that is ~~less than~~ substantially the same as the inner diameter of the tubular member and wherein the coil member has an inner diameter that is greater than the outer diameter of the tubular member, and
wherein the tubular member extends distally beyond the distal end of the core member and the coil member extends distally beyond the distal end of the tubular member.

Neither Christian nor Frisbie et al. either alone or in combination appear to teach an outer member connected to the core member proximal of the proximal end of the tubular member and disposed around the core member, tubular member and inner coil as currently claimed. Further, neither Christian nor Frisbie et al. appear to teach the distal end of the core member

where the tubular member is attached has an outer diameter that is substantially the same as the inner diameter of the tubular member as currently claimed.

Thus, even if one were to combine the teachings Christian and Frisbie et al., one would not arrive at the invention as claimed. Furthermore, there appears to be no motivation, suggestion or other reason for one of ordinary skill in the art to modify Christian or Frisbie et al. to arrive at the device as claimed. Reconsideration and withdrawal of the rejection are respectfully requested.

On page 5 of the Office Action, claims 6-7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) and in further view of Richardson et al. (U.S. Patent No. 6,673,025).

On page 5 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) and in further view of Palmer et al. (U.S. Patent No. 6,544,231).

On page 6 of the Office Action, claims 9-10 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) and in further view of Cook et al. (U.S. Patent No. 5,213,111).

On page 6 of the Office Action, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) in view of Cook et al. (U.S. Patent No. 5,213,111) and further in view of Palmer et al. (U.S. Patent No. 6,544,231).

On page 7 of the Office Action, claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) and further in view of Palmer et al. (U.S. Patent No. 6,544,231).

On page 7 of the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Christian (U.S. Patent No. 5,178,159) in view of Frisbie et al. (U.S. Patent No. 5,517,989) and further in view of Buchbinder et al. (U.S. Patent No. 4,815,478). Applicants respectfully traverse this rejection.


For at least the reasons discussed above independent claims 1 and 14, from which the above claims depend, are believed patentable over the combination of Bonello et al. and Gambale. None of Richardson et al., Cook et al., Palmer et al., and Buchbinder et al., appears to teach that which Bonello et al. and Gambale lack. Thus, the cited references neither alone nor in combination appear to teach or suggest the claimed invention. Reconsideration and withdrawal of the rejections are respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their attorney,

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